

January 10, 1961

AGREEMENT  
FOR CARRYING OUT THE NATIONAL POLICY RELATIVE  
TO ADVERTISING ADJACENT TO THE NATIONAL  
SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

In order to promote the safety, convenience and enjoyment of public travel and the free flow of interstate commerce, and to protect the public investment in the National System of Interstate and Defense Highways (hereinafter referred to as the "Interstate System"), the Secretary of Commerce, acting by and through the Federal Highway Administrator, hereinafter referred to as the "Administrator", and the State Roads Commission of the State of Maryland, such commission being hereinafter referred to as the "State", do hereby agree as follows:

1. Definitions. (a) The term "Act" means section 131 of title 23, United States Code, as amended by section 106 of the Federal-Aid Highway Act of 1959 (P.L. 86-342, 73 Stat. 612).

(b) The term "national standards" means the National Standards for Regulation by States of Outdoor Advertising Signs, Displays and Devices Adjacent to the National System of Interstate and Defense Highways promulgated by the Secretary of Commerce pursuant to the Act, and in effect on the date of this agreement. Said national standards, as they were published in the Federal Register on November 13, 1958, (23 F.R. 8793) and amendments published in the Federal Register on January 12, 1960 (25 F.R. 218) and March 26, 1960 (25 F.R. 2575) are hereby incorporated herein by reference.

(c) Unless the context requires otherwise, the terms used herein shall have the same meaning as in the Act and the national standards.

2. Scope of Agreement. Except as otherwise expressly set forth herein, this Agreement shall apply to areas adjacent to all portions of Interstate System highways within the State that are constructed upon any part of a right of way, the entire width of which has been acquired subsequent to

July 1, 1956. The said areas (hereinafter designated "Adjacent Areas") are those within 660 feet of the edge of the right of way of Interstate System highways, determined in accordance with the national standards.

There shall be excluded from application of the said national standards any segments of the Interstate System which traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use, as of September 21, 1959, was clearly established by State law as industrial or commercial.

3. State's Obligation. The State hereby agrees that, in accordance with the terms of this Agreement, it will control or cause to be controlled the erection and maintenance of outdoor advertising signs, displays and devices in Adjacent Areas within such State consistent with the Act and the national standards.

4. Plan for Controlling Adjacent Areas. The State further agrees that its control of Adjacent Areas shall, as a minimum, be in conformity with the Act, and the national standards, and shall be carried out pursuant to the Plan.

5. Exceeding of Standards. Nothing contained herein shall prohibit the State from exercising control of outdoor advertising signs to a greater degree than that required or contemplated by the national standards and the Act.

6. Plan for Controlling Areas Adjacent to Interstate Highways. State has presented a "Plan for Controlling Areas Adjacent to Interstate Highways" dated January 11, 1961, which is hereby approved by the Administrator and by this reference incorporated herein as if fully set out herein. Said plan shall hereinafter be referred to as the "Plan".

The State shall promptly submit to the Administrator additions to or amendments of the Plan when the selection, designation, or modification of Interstate highway routes make such action necessary or desirable. The State may from time to time submit to the Administrator any proposals for amendment of the Plan. If approved by the Administrator, such additions or amendments shall be incorporated herein by reference and become a part of this Agreement.

7. Increase of Share. The Federal share payable on account of any project on the Interstate System provided for by funds authorized under section 108 of the Federal-Aid Highway Act of 1956, as amended, to which the Act, the national policy, and this Agreement apply, shall be increased by one-half of one per centum of the total cost thereof, if and when funds are appropriated and made available for such purposes. However, no additional cost that may be incurred in carrying out this Agreement, no cost incurred in connection with any segment of highway excluded from the application of the national standards, and no cost of any project not payable from funds authorized by section 108 of the Federal-Aid Highway Act of 1956, as amended, shall be included in such total for purposes of determining the amount of such increase.

8. The Obligation of the Federal Government. Notwithstanding any other provision of this Agreement, the United States shall not be required to make any payments hereunder unless and until Federal funds are duly appropriated in amounts sufficient to enable the Administrator to make payments as provided in this Agreement.

9. Payment Upon Evidence of Compliance. Payment of the one-half of one percent increase in the Federal share will be made by the Administrator from funds appropriated and available for such purpose with respect to any project upon the submission by the State to the Administrator of a satisfactory showing that the State has fulfilled its obligations under

this Agreement in connection with such project, that such project is completed, and that State is continuing to carry out its obligations hereunder with reference to all other highways on the Interstate System.

Advertising signs, displays or devices shall be removed, or caused to be removed, by State as follows:

(a) No outdoor advertising sign, display or device which is inconsistent with the Act or the national standards shall be allowed to remain after July 1, 1964, in areas adjacent to any segment of the Interstate System which, prior to July 1, 1961, either has been completed to the geometric and design standards adopted for that system, or is under contract for completion to such standards.

(b) No outdoor advertising sign, display or device which is inconsistent with the Act or the national standards shall be allowed to remain in areas adjacent to any segment of the Interstate System after the date upon which the State highway department has accepted, as completed, a contract awarded on or after July 1, 1961, for the completion of such segment to the geometric and design standards approved for the Interstate System.

No part of the increased Federal share payable under the Act shall be paid to a State highway department on account of any project until outdoor advertising in areas adjacent to that project complies completely with the national standards.

10. Failure to Perform Obligations. If, after receiving payment of any portion of the aforementioned increase of one-half of one percent in the Federal share of the cost of any project, the State should fail to perform its obligations or continue the same under this Agreement in connection with any project, the State hereby agrees that, if, without good cause shown to the satisfaction of the Administrator, it fails to perform such obligations within 30 days after the date of mailing by the Administrator of written notice thereof, it will return to the Federal Government all

payments heretofore made under this Agreement. In the event the State does not return all of such payments within a reasonable time, State hereby authorizes the Administrator to withhold from the State an amount equal to such payments out of any Federal-aid highway funds then due or that may thereafter become due to the State.

Notwithstanding any other provision in this section, if the State fails to perform any obligation of this Agreement and such failure is caused by a declaration of a court of competent jurisdiction or by a ruling of the Attorney General of said State that said State is without legal authority to perform said obligation under this contract, then the State will not be required to return to the Federal Government payments heretofore made under this Agreement unless and until sixty days have elapsed after the adjournment of the State legislative session next following such declaration or ruling.

11. Repayment Necessitated by Change in Zoning Within Incorporated Municipalities. If, after receiving payment of any portion of the aforementioned increase of one-half of one percent, which payment is due to the control of advertising by State in an area within the limits of an incorporated municipality as those limits existed on September 21, 1959, the status of any portion of said area is changed to a commercial or industrial zone, the national policy on advertising control shall no longer apply to the area or portion of area the status of which is changed, and State hereby agrees that it will repay so much of any bonus payment made on account of the area to which the national policy no longer applies. In lieu of repayment, State hereby authorizes the Administrator to withhold from the State an amount equal to such payments out of any Federal-aid highway funds then due or that may thereafter become due to the State.

12. Effective Date. This Agreement shall become effective when executed only if it be signed on behalf of both the State and the Administrator prior to July 1, 1961.

In Witness Whereof the State has caused this Agreement to be duly executed in its behalf, and the Administrator has likewise caused the same to be duly executed in his behalf, as of the dates specified below.

JAN 11 1961, 1961:

STATE ROADS COMMISSION OF MARYLAND

ATTEST:

*L. A. Beare*  
Secretary

By *[Signature]* (SEAL)  
Chairman and Director of Highways  
for the State of Maryland

*January 18*, 1961:

U.S. DEPARTMENT OF COMMERCE  
Bureau of Public Roads

By *[Signature]*  
B. D. Tallamy  
Federal Highway Administrator



PLAN FOR CONTROLLING OUTDOOR ADVERTISING IN AREAS  
ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS  
IN STATE OF MARYLAND

The provisions of Section 76 (1) and (2) of Article 89B of the Annotated Code of Maryland, 1957 Edition, expressly authorize and empower the State Roads Commission to do any and all acts and things necessary or desirable to comply with the terms, conditions and provisions, to obtain the benefit of the provisions of the Federal Acts for the acceptance of Federal Funds under the Federal Highway Act as amended and supplemented.

In order to comply with the Federal-Aid Highway Act of 1956, as amended, the General Assembly of Maryland, 1959 Session, repealed and re-enacted, with Amendments, Sections 231, 232, 233, 234 and 235 of Article 89B of the Annotated Code of Maryland. Under the provisions of these Sections, and Sections 207 and 208 of Article 56 of the Annotated Code of Maryland, 1957 Edition, the State Roads Commission is authorized to make certain rules and regulations relating to certain outdoor advertising and display signs.

The above mentioned Sections of the Annotated Code of Maryland are set forth in a booklet, entitled "Laws Governing The State Roads of Maryland, Annotated, 1960 Edition", a copy of which is attached to and made a part of this Plan.

On February 10, 1960, the State Roads Commission adopted a resolution, relating to rules and regulations for the erection of signs along the Expressways of the State of Maryland.

An excerpt from the Minutes of this Meeting of the State Roads Commission, relating to these rules and regulations, is attached to and made a part of this Plan.

This resolution provides for the administration of these rules and regulations by the Chief, Outdoor Advertising Section (referred to as the Director of Outdoor Advertising in the above mentioned resolution), and for the enforcement of these rules and regulations by the Legal Department.

The approximate location of that portion of the National System of Interstate and Defense Highways within the State of Maryland has been indicated on the appropriate quadrangle maps of the Corps of Engineers of the U. S. Army and on a Use District Map of the Board of Municipal and Zoning Appeals of the City of Baltimore. Prints of these maps, showing these approximate locations of the Interstate Highways, have been color-coded to indicate those sections of the System that are covered by the terms of the Agreement of which this Plan is a part. This color-code also indicates those areas in which it is believed that the State of Maryland will wish to participate in the Bonus Award for the Control of Outdoor Advertising, that is provided for in the Federal-Aid Highway Act, as amended. These maps have been gathered together in booklet form and entitled, "Control of Outdoor Advertising on the Interstate System". A copy of this booklet is attached to and made a part of this Plan.

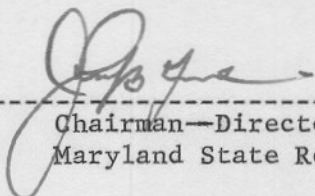
This Plan and the attachments hereto that are a part of the Plan, upon approval by the Administrator, will become a part of the Agreement. It is understood and agreed between the parties hereto that the State may, from time to time, submit additions or amendments to this Plan. If approved by the Administrator, such additions and/or amendments shall be incorporated in and become a part of the Agreement.



The State's Plan for Controlling Outdoor Advertising In Areas Adjacent to the National System of Interstate and Defense Highways, as herein set forth, is signed for purposes of identification by the Chairman and Director of Highways for the State of Maryland.

JAN 11 1961

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Date

  
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Chairman-Director of Highways  
Maryland State Roads Commission